



MS AF  
RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1624

CFW AF/KA  
PATENT  
1422-0449P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Eiichi IISHI et al. Conf.: 8402  
Appl. No.: 09/697,329 Group: 1624  
Filed: October 27, 2000 Examiner: HABTE, K.  
For: ANHYDROUS MIRTAZAPINE CRYSTALS AND  
PROCESS FOR PREPARING THE SAME

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

**MS AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 16, 2005

Sir:

Applicants hereby appeal to the Board of Appeals from the Office Action dated September 17, 2004 of the Primary Examiner twice rejecting claims 7 and 12-15.

This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Office Action. Thus a fee of \$1,020.00 is required for the full period of the above-requested extension of time.

An extension of ( ) month(s) for responding to the Office Action was previously requested and paid for on . Thus a fee of \$0.00 is required to obtain an additional ( ) month(s) for filing the Notice of Appeal.

03/17/2005 CCHAU1 0000026 09697329

01 FC:1401  
02 FC:1253

500.00 0P  
1020.00 0P

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$500.00

Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1,520.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$1,520.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Gerald M. Murphy, Jr., #28,977  
Gerald M. Murphy, Jr., #28,977  
P.O. Box 747 fo1  
Falls Church, VA 22040-0747  
(703) 205-8000

GMM/GMD/mua  
1422-0449P